

UPDATED INFORMATIVE DIGEST

Current Residential Care Facilities for the Elderly (RCFE) regulations allow licensees to evict a resident upon thirty days written notice for specified reasons such as: nonpayment for basic services within ten days of the due date, failure to comply with state or local law after receiving written notice, failure to comply with general policies of the facility, and after reappraisal it is determined the facility is not appropriate for the resident. The licensee must provide in the eviction notice the reasons relied upon for the eviction with specific facts to permit determination of the date, place, witnesses, and circumstances concerning those reasons.

Senate Bill (SB) 781, Statutes of 2009, requires licensees to include in the eviction notice the effective date of the eviction, resources to assist in identifying alternative housing, information about resident's right to file a complaint with the Department, contact information for the nearest Community Care Licensing office and State Long Term Care Ombudsman office, and a statement to require licensees to file an unlawful detainer action in superior court in order to evict residents who remain in the facility after the effective date of the eviction. Under these circumstances, the resident must be served with a summons and complaint, and the resident has a right to contest the eviction in writing and through a hearing.

Proposed regulations have been developed to incorporate the provisions of SB 781 by amending the eviction procedures section in the RCFE regulations.